



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8ENF-W

DEC 22 2005

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Leo and Iola Sprigler  
LeMaster Enterprises  
405 Rohan Avenue  
Gillette, WY 82716

Re: Administrative Order  
Docket No. **SDWA-08-2006-0010**  
PWS ID #5601518

Dear Mr. and Mrs. Sprigler:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that you are suppliers of water as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a)(2), 141.21(b), 141.21(b)(5), 141.24(f)(11), 141.26(a)(1), 141.21(a)(1), 141.201, 141.21(g)(2), and 141.31(b) for: failing to monitor for total coliform, volatile organic chemicals and radionuclides; failing to submit a sample siting plan, provide public notice of the violations, and to report SDWA violations to EPA. You must also begin monitoring quarterly in 2006 for synthetic organic chemicals (SOCs) as new systems are required to monitor for four quarters. This requirement is not in the Order as you were not adequately notified of it previously. Rod Glebe, the SOC Rule Manager, will notify you under separate correspondence of your SOC monitoring requirements. You have returned to compliance with the radionuclide violations.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on



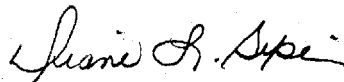
Printed on Recycled Paper

regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Marc Weiner, Enforcement attorney, at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA  
Funding Brochure

cc: WY DEQ (via email)  
WY DOH (via email)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

DEC 22 2005

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Campbell County Commissioners  
c/o Marilyn Mackey, Chair  
500 S. Gillette Avenue  
Gillette, WY 82716

Re: Notice of Safe Drinking Water Act  
Enforcement Action against LeMaster  
Enterprises, PWS ID#5601518

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to LeMaster Enterprises, Gillette, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. LeMaster Enterprises is in violation of 40 C.F.R. §§ 141.21(a)(2), 141.21(b), 141.21(b)(5), 141.24(f)(11), 141.26(a)(1), 141.21(a)(1), 141.201, 141.21(g)(2), and 141.31(b) for: failing to monitor for total coliform, volatile organic chemicals and radionuclides; failing to submit a sample siting plan, provide public notice of the violations, and to report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 DEC 22 AM 10:43

IN THE MATTER OF )  
 )  
Leo and Iola Sprigler, Owners )  
LeMaster Enterprises )  
Gillette, Wyoming )  
 )  
Respondents )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
 )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2006-0010**

FILED  
EPA REGION VIII  
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Leo and Iola Sprigler (Respondents) are individuals and therefore "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the LeMaster Enterprises Water System (the "System"), located in Campbell County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a December 30, 2002 sanitary survey by an agent for EPA, Respondents operate a system that is supplied by a groundwater source consisting of three wells with no treatment. The System was identified as a public water system in October 2002 and serves approximately 70 persons through 20 service connections and is operational all year.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21(a)(2) requires community public water systems serving a population of less than 1,001 to monitor their water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. Respondents failed to monitor the water for contamination by total coliform bacteria during the months of July and October 2004 and January 2003, in violation of 40 C.F.R. § 141.21(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondents failed to collect a set of four repeat samples after a total coliform positive routine sample in June 2005, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondents failed to collect at least 5 routine samples in July 2005 (four samples were collected) after a total coliform positive sample in the preceding months, in violation of 40 C.F.R. § 141.21(b)(5).

IV.

1. 40 C.F.R. § 141.24(f) requires all community and non-transient, non-community water systems to conduct initial

sampling of the water consisting of four consecutive, quarterly samples during each three-year compliance period to determine compliance with the maximum contaminant level (MCL) for volatile organic chemicals as stated in 40 C.F.R. § 141.61.

2. 40 C.F.R. § 141.24(f)(11) requires systems to monitor quarterly if any volatile organic chemical is detected at a level exceeding 0.0005 mg/l in any sample.
3. Respondents' volatile organic chemical monitoring results dated October 25, 2002 indicated a detect of Tetrachloroethylene at 0.00056 mg/l. Respondents, therefore, were required to monitor quarterly to determine if the water was reliably and consistently below the MCL. Respondents failed to monitor the water quarterly for volatile organic chemicals from 1<sup>st</sup> quarter (January-March) 2002 through 4<sup>th</sup> quarter (October-December) 2004 and 3<sup>rd</sup> quarter (July-September) 2005, in violation of 40 C.F.R. § 141.24(f). Respondents did conduct monitoring in October 2003, September 2004, and February and May 2005.

V.

1. 40 C.F.R. § 141.26(a)(1) requires community water systems to conduct initial monitoring of the water consisting of four consecutive, quarterly samples to determine compliance with the MCL for radionuclides,

as stated in 40 C.F.R. § 141.15 (40 C.F.R. § 141.66 after December 2003).

2. Respondents failed to monitor the water for radionuclides for four consecutive quarters during the 4<sup>th</sup> quarter (October-December) 2002 through the 3<sup>rd</sup> quarter (July-September) 2003, in violation of 40 C.F.R. § 141.26(a)(1). Respondents monitored for four consecutive quarters from December 2003 through July 2004 and, therefore, have returned to compliance.

VI.

1. 40 C.F.R. § 141.21(a)(1) requires public water systems to collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan.
2. Respondents have failed to submit a total coliform sample siting plan, in violation of 40 C.F.R. § 141.21(a)(1).

VII.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulations (NPDWR) violations, including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. part 141.

2. Respondents have not provided public notice of the noncompliance detailed in the preceding Sections I through VI (with the exception of the January 2003 total coliform violation), in violation of 40 C.F.R. § 141.201.

VIII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondents failed to report to EPA the noncompliance detailed in Sections I through III, in violation of 40 C.F.R. § 141.21(g)(2).

IX.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondents failed to report to EPA the noncompliance detailed in Sections IV through VII, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondents shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondents shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondents shall comply with all total coliform repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondents take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondents shall report analytical results to EPA

within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. Upon the effective date of this Order, Respondents shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondents' water system has one or more total coliform positive samples in a month, Respondents shall collect at least 5 routine samples during the next month the system provides water to the public. Respondents shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
4. No later than December 31, 2005, and continuing quarterly until notified in writing by EPA to sample at a different frequency, and per the regulation thereafter, Respondents shall monitor the water for volatile organic chemicals as required by 40 C.F.R. § 141.24(f)(11) to determine compliance with the MCL for volatile organic chemicals appearing at 40 C.F.R. § 141.61(a). Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

5. During the period January 1, 2008-December 31, 2008, and per the regulation thereafter, Respondents shall monitor the water for radionuclides as required by 40 C.F.R. § 141.26(a) to determine compliance with the radionuclide MCL appearing at 40 C.F.R. § 141.66. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
6. Within 30 days of the effective date of this Order, Respondents shall provide EPA with a written sample siting plan for total coliform monitoring, as required by 40 C.F.R. § 141.21(a).
7. Within 30 days of the effective date of this Order, Respondents shall provide a notice to the public of the violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for

distribution by customers that provide their drinking water to others; posting in public places or on the internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondents may use the CCR to provide public notice as long as (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) The CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondents shall comply with the public notice requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

8. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring

requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

9. Except where a different reporting period is specified in paragraph 8 above, upon the effective date of this Order Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, CO 80202-2466

GENERAL PROVISIONS

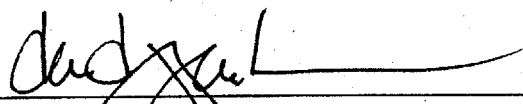
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an

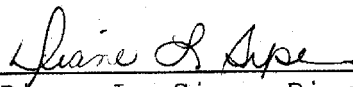
appropriate U.S. District Court under Section  
1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its  
implementing regulations may subject Respondents to a  
civil penalty of not more than \$32,500 per day of  
violation assessed by an appropriate U.S. District  
Court under Section 1414(b) of the Act, 42 U.S.C.  
§ 300g-3(b).

4. The effective date of this Order shall be the date of  
issuance of this Order.

Issued this 22nd day of December, 2005.

  
\_\_\_\_\_  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
\_\_\_\_\_  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

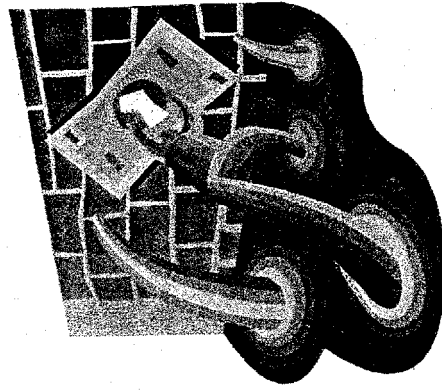
## WYOMING

### WATER/WASTEWATER TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



## FUNDING OPTIONS FOR PRIVATELY-OWNED PUBLIC WATER SYSTEMS IN WYOMING





*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppcindex.htm](http://www.epa.gov/opptintr/library/ppcindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)

